IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 17236 of 2007(B)

PETITIONER:

SAJI, S/O SATHYAN, AGED 28 YEARS,
VELIKKAKATH HOUSE, ORAVANTHURUTH,
MUTHAKUNNAM P.O., MUTHAKUNNAM VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

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1. DISTRICT COLLECTOR, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
NJARAKKAL POLICE STATION.

BY GOVERNMENT PLEADER SRI. S.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C).No. 17236/2007

Dated this 26th day of June, 2007

JUDGMENT

The petitioner's vehicle was seized on allegations of transportation of river sand illegally. By Ext.P1 order, the District Collector passed final orders imposing a fine of Rs.20,000/- (Rupees Twenty Thousand) which was paid by the petitioner pursuant to which, by Ext.P1 order District Collector directed the release of the vehicle. The petitioner approaches this Court complaining that in spite of Ext.P1 order, the vehicle has not been released to the petitioner.

2. The learned Government Pleader, on instructions, submits that although the District Collector had directed the release of the vehicle, it was found that the vehicle did not have insurance coverage and tax in respect of vehicle has also not been paid. Accordingly Crime No.107/2007 has been registered and the vehicle has been produced before the Magistrate Court. Therefore, the petitioner has to approach the Magistrate Court for release of the vehicle now.

3. Since the vehicle has been produced before the Magistrate who has taken cognizance of the matter, the petitioner's remedy lies before the Magistrate's Court.

4. In the above circumstances, without prejudice to the right of the petitioner to approach the Magistrate Court for release of the vehicle, this writ petition is dismissed.

S.SIRI JAGAN
JUDGE

mrcs